

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

STATE PROCUREMENT OFFICE
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Accounting and General Services, Public Works Division
 (Department/Division/Agency)

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Manufacture and installation of Smalti Byzantine hand drawn/cut glass mosaic tiles for replacement of the Aquarius artwork by artist Tadashi Sato originally commissioned for the State Foundation on Culture and the Arts (SFCA) at the State Capitol.

Name of Vendor: Franz Mayer of Munich
 Address: Seidlstr. 25
 80335 Munich, Germany

Cost: \$318,760.00

Term of Contract: From: June 30, 2004 To: December 31, 2005

Prior Exemption Ref. No. (if applicable)

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

There are very limited manufacturers that produce glass mosaic tiles of a quality required for a unique "one of a kind" artwork installation. The manufacture and installation of Smalti Byzantine mosaic glass tiles requires specialized expertise and knowledge in both offering materials and labor that can replicate the artwork to the artist's interpretation. Two previous installations utilizing the Low Bid procurement system were below the aesthetic expectations of the SFCA and have failed due to poor materials and workmanship.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable: Three glass mosaic tile manufactures/installers were recommended by the SFCA for their past experience in mosaic projects. They include: Franz Mayer of Munich; Daltile; and Bisazza, represented by Evergreen by Debra, LLC. Each manufacturer was provided slides of the original installation to duplicate color and blending, and the artist original painting to duplicate general layout, transitions and forms; for their production of mock-up samples depicting a portion of the artwork for subsequent evaluation and recommendation by the Advisory Committee. The SFCA established an Advisory Committee consisting of the original artist, Mr Tadashi Sato; an architect with technical and design knowledge, Mr. Stanley T. Yasumoto with Architects Hawaii Ltd.; and the executive director of the SFCA, Mr. Ronald Yamakawa. The Advisory Committee followed a pre-established criteria and recommended Franz Mayer of Munich as the manufacturer/installer that met the criteria that included:

- 1) Faithfulness in replicating the original glass mosaic tile size, material, uniformity and grout spacing,
- 2) Color and transition blending of forms,
- 3) Surface texture as it pertains to safety and edge sharpness in the material,
- 4) Durability and maintenance, and Cost.

A description of the agency's internal controls and approval requirements for the exempted procurement:
The contract for services will be conducted under the supervision of the Public Works Administrator, and subject to his final approval.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:
State Comptroller
Public Works Administrator
Inspection Branch Chief

Direct questions to: Ricky Sasaki, Project Coordinator

Phone Number: 586-0474

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes ☐ No ☒

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE,
TRUE AND CORRECT.**



Department Head or Designee

4/30/04

Date

Title (If other than Department Head)

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ APPROVED

☐ DISAPPROVED



Chief Procurement Officer

5/14/04

Date

cc: Administrator,
State Procurement Office

STATE OF HAWAII

NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Accounting and General Services for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Manufacture and installation of Smalti Byzantine hand drawn/cut glass mosaic tiles for replacement of the Aquarius artwork by artist Tadashi Sato originally commissioned for the State Foundation on Culture and the Arts (SFCA) at the State Capitol.

Vendor: Franz Mayer of Munich

Address: Seidlstr. 25
80335 Munich, Germany

Term of Contract:	From: June 30, 2004 To: December 31, 2005	Cost: \$318,760.00
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<p>Direct any inquiries to: Department: Department of Accounting and General Services Contact Name/Title: Ricky Sasaki, Project Coordinator Address: 1151 Punchbowl Street Room 427 Honolulu, Hawaii 96813</p>	<p>Phone Number: 586-0474</p> <p>Fax Number: 586-0530</p>
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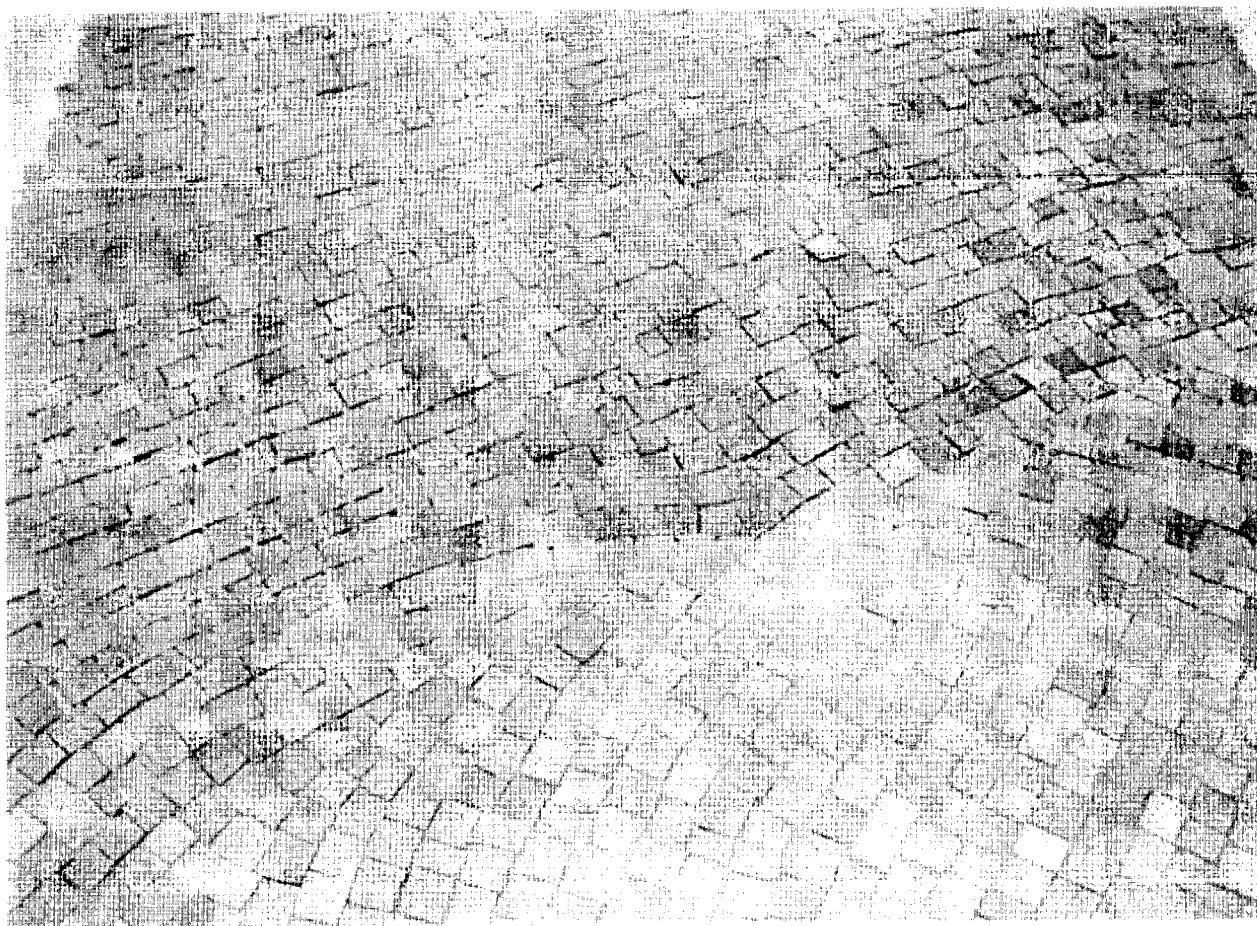


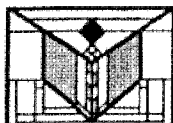
Date Posted: April 30, 2004

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Chief Procurement Officer
 Office/Agency _____
 Address _____





Ricky R Sasaki

03/02/2004 11:51 AM

To: Jonathan Johnson/dags

cc: Davidb@architects-hawaii.com

cc: Ricky R Sasaki/dags@dags, Davidb@architects-hawaii.com

Subject: Re: Approval

Mr. Jonathan Johnson

Thanks.

Ricky Sasaki

D.A.G.S., Project Management Branch

(808) 586-0474

Jonathan Johnson



Jonathan Johnson

03/01/2004 01:27 PM

To: Ricky R Sasaki/dags@dags

cc: Davidb@architects-hawaii.com

Subject: Approval

Ricky, In addition to the original \$248,000 for the project, I have \$300,000 budgeted this fourth quarter to supplement.

Re: approval

On January 6, 2004 the State Capitol Mural Art Advisory Committee met and reviewed proposals by the three glass mosaic manufacturers. The advisory committee unanimously moved to accept Franz Meyer of Germany to provide the mural. Attached is the contract language we use regarding the selection of a contractor to create a work of art. Yes, commissioning artwork has an exemption from the procurement code.

WHEREAS, under Hawaii Rev. Stat. ch. 9, the State Foundation on Culture and the Arts (hereinafter referred to as "SFCA") is responsible for stimulating, guiding, and promoting culture and the arts and history and the humanities throughout the State of Hawaii;

WHEREAS, under Hawaii Rev. Stat. § 103-8.5, one percent of the appropriations for the original construction or renovation of any state building is set aside for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other State Public Places;

WHEREAS, Hawaii Rev. Stat. § 103-8.5 vests in the Comptroller of the State of Hawaii and the SFCA, the joint responsibility in regard to (i) selection of, (ii) commissioning of artist for, (iii) reviewing of design, execution and placement of, and (iv) acceptance of works of art;

WHEREAS, the _____ Art Advisory Committee (hereinafter referred to as the "AAC"), appointed by the SFCA, and the SFCA decided that they desired an _____;

thanks,

Jonathan Johnson

Commissions Project Manager

Art in Public Places Program

State Foundation on Culture and the Arts

250 South Hotel Street 2nd Floor

Honolulu, HI 96813

EXAMPLE

HAWAII STATE CAPITOL MOSAIC - TILE SAMPLES EVALUATION

Sample	Importance*	A	B	C	D	E	F	G
Overall	1	50		50				
Weighted	1	50.0		50.0				
Durability								
Tile material	0.25	75		30				
Tile spacing	1	90		25				
Tile size (x, y)	0.5	100						
Tile thickness (z): dimension	0.5	80		12				
Tile thickness (z): uniformity	1	25		5				
Weighted average	1	68.8		13.4				
Aesthetic								
Overall impression	1	90		80				
Color	0.25	60						
Color transitions	1	50						
Tile arrangement	1	40						
Weighted average	1	60.0		24.6				
Total weighted average		59.6		29.3				

Ratings
100 = Highest rating
0 = Lowest

*Note
Assign value from 0 to 1 to use in weighted average of assessments

State Capitol Mosaic Proposals - Preliminary

	Proposal date	Cost		Lead (wks)	Start*	Notes
		Materials only	Materials + installation**			
A	11/21/2003		\$ 318,760	39	12/3/2003	Smalti Byzantini (glass tile, irregular cut, roughly square)
B	11/21/2003		\$ 273,160	39	12/3/2003	Smalti Normali (glass tile, irregular cut, longitudinal)
C	11/21/2003		\$ 286,060	39	12/3/2003	Smalti Normali (glass tile, irregular cut, longitudinal)
D	12/1/2003	\$ 146,350	\$ 216,350	11	6/16/2004	Smalti Byzantini (glass tile, irregular cut, roughly square)
E	12/1/2003	\$ 146,350	\$ 216,350	11	6/16/2004	Smalti Byzantini (glass tile, irregular cut, roughly square)
F	11/26/2003	\$ 585,792		23	3/24/2004	Smalti Byzantini (glass tile, irregular cut, roughly square)
G	11/26/2003	\$ 432,225		21	4/7/2004	Sintered (uniformly square manufactured glass tiles)

Notes

* Based on 1 Sept 04 installation start

** Thickbed installation